THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1790 OF 2005

Between:

Dr.Prabbhuji Patangay …Appellant

And

Narsing Pershad and another …Respondents.

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1790 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties and with their consent, the writ appeal is decided at this stage.

Respondent No.1 in this appeal filed writ petition before this Court being W.P.No.12654 of 2005 seeking a declaration that action of respondent No.2 in this appeal in interfering with the civil disputes between him and the appellant herein

was illegal. The writ petition has been allowed. It appears that the appellant and respondent No.1/writ petitioner are neighbours and respondent No.1 is making some constructions, which have become a source of some trouble to the appellant. Therefore, he filed a complaint before the police on 29-05-2005. We have gone through the complaint, a copy of which was furnished by learned counsel for the appellant and is kept on file. This complaint does not disclose any offence and as such the learned Single Judge was right in directing the police not to interfere in civil disputes between respondent No.1 and the appellant. We do not find any ground to interfere in the matter. However, Mr Vilas V.Afzul Purkar, learned counsel for the appellant submits that because of the order of this Court although respondent No.1 is committing criminal acts, the police are not at all listening to their complaints. We make it clear that the order of this Court in the writ petition and this judgment are confined only to the complaint made to the police on 29-05-2005. It is for the police to take action if anybody complains that an offence has been committed. In each and every case, the police have to see on a complaint being filed before it whether an offence is committed or not. Therefore, if any fresh complaint is filed at any stage by the appellant that shall be looked into by the police on its own merits.

With these observations, the writ appeal is disposed of. No order as to costs.

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(Bilal Nazki, ACJ)

27th September, 2005

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(R.Subhash Reddy,J)

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